

Stansbury

ORDINANCE NO. 1999-4B

AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA
ZONING ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 7, OF THE HANCOCK COUNTY CODE;
SPECIFICALLY, ARTICLE 3, AS AMENDED.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA, THAT:

SECTION I

Section 7-72 Zoning Map of Chapter 7, Article 3, Division 2, of the Hancock County
Code, is amended as follows:

The Zoning Map referred to in Section 7-72 for Buck Creek Township is hereby
amended by reclassifying the following described area from "A-1" Agriculture District to "PD-
R" Planned Development - Residential District:

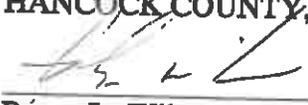
(See attached legal description which is
incorporated herein as "Exhibit A")

SECTION II

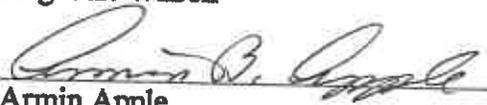
This Ordinance shall take effect upon its passage, as provided by law.

ADOPTED THIS 5TH DAY OF April, 1999.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA:



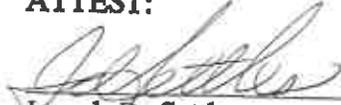
Roger L. Wilson



Armin Apple

Timothy Plank

ATTEST:



Joseph D. Settles,

Hancock County Auditor

Petitioner, Precedent Residential Development, LLC

COPY

IN THE HANCOCK COUNTY AREA PLANNING COMMISSION
RE: PETITION OF PRECEDENT RESIDENTIAL DEVELOPMENT, LLC
FOR APPROVAL OF A PRELIMINARY PLAN FOR STANSBURY SUBDIVISION

COMMITMENT CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE

In accordance with I.C. 36-7-4-613, Precedent Residential Development, LLC ("Petitioner") having heretofore filed its Petition for Approval of a Preliminary Plan (the "Petition") regarding real estate located in Hancock County, Indiana, which is described below, makes the following COMMITMENT concerning the use and development of the parcel of real estate ("Real Estate"):

(See Attached "Exhibit A" for legal description)

Statement of COMMITMENT:

If the Preliminary Plan of the Real Estate is approved as presented to the Hancock County Plan Commission on February 23, 1999, the Petitioner agrees that:

1. the homes located on 70 foot wide lots shall have a minimum living space of 1,500 square feet for a single story house and 1,700 square feet for a two-story house exclusive of basements, porches and garages;
2. the homes located on 55 foot wide lots shall have a minimum living space of 1,400 square feet for a single story house and 1,600 square feet for a two-story house exclusive of basements, porches and garages;
3. one-third (1/3) of the homes located on 70 foot lots shall have twenty-five percent (25%) or more brick or masonry on the front elevation;
4. one-fourth (1/4) of the homes located on 55 foot lots shall have twenty-five percent (25%) or more brick or masonry on the front elevation;
5. each home will be required to have at least one (1) yard tree located in the front yard of the home.

This COMMITMENT shall be binding on the Petitioner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein.

This COMMITMENT and the Preliminary Plan may be modified or terminated only by a decision of the Hancock County Area Planning Commission made only after a public hearing after proper notice has been given.

This COMMITMENT may be enforced jointly or severally by:

9906060

23

1. The Hancock County Area Planning Commission and the Hancock County Board of Zoning Appeals;
2. The Hancock County Commissioners; and
3. Any person who is aggrieved by a violation of the COMMITMENT, including but not limited to all owners of real estate which is abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this COMMITMENT in a court of competent jurisdiction, and the owner of the Real Estate is found to be in violation of this COMMITMENT, the owner shall pay reasonable costs in the enforcement of this COMMITMENT, including attorney fees.

The undersigned hereby authorizes the Hancock County Area Planning Commission and the Hancock County Commissioners to record this COMMITMENT in the Office of the Recorder of Hancock County, Indiana upon final approval of the Hancock County Commissioners to the Petition for Approval of Preliminary Plan.

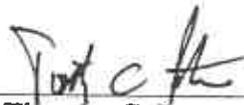
This COMMITMENT shall run with the land and be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, Precedent Residential Development, LLC has executed this instrument this 23rd day of February, 1999.

PRECEDENT RESIDENTIAL
DEVELOPMENT, LLC

BY: THE PRECEDENT
COMPANIES, INC., Member

BY: _____


Timothy C. Peterson,
Chairman

"PETITIONER"

STATE OF INDIANA)
)
COUNTY OF MARION) SS:

Before me, a Notary Public in and for said County and State, personally appeared Timothy C. Peterson, Chairman of The Precedent Companies, Inc., a Member of Precedent Residential Development, LLC, Petitioner, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 23rd day of February, 1999.



Jo Ann Tipton

JO ANN TIPTON

My Commission Expires: 8-12-99
County of Residence: HAMILTON

This instrument was prepared by Ronald R. Pritzke, Attorney at Law.

"EXHIBIT A"

PRECEDENT RESIDENTIAL DEVELOPMENT, LLC
PETITION FOR REZONING
LEGAL DESCRIPTION

The Northwest $\frac{1}{4}$ of Section 1, Township 16 North, Range 5 East as follows to conform to the survey made by Charles Boone, the County Surveyor of Hancock County, Indiana, on October 15, 1919. Beginning at the Northwest corner of said Section 1, thence East on the North line of Section 2712.5 feet, thence South parallel with the West line of said Section 2330.5 feet, thence 2712.5 feet to the West line of said Section, thence North on the West line of said Section 2201.5 feet to the place of beginning containing 141.10 acres.